

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

RICKEY DONNELL CUMMINGS,	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL NO. W-18-CV-125-ADA
	§	
DIRECTOR, Texas Department of	§	
Criminal Justice, Correctional Institutions	§	CASE INVOLVING THE DEATH
Division,	§	PENALTY
	§	
Respondent.	§	

PETITIONER'S ADVISORY REGARDING
STATE COURT PROCEEDINGS

In its January 16, 2020 Order, this Court stayed all proceedings in Petitioner's cause and held the cause in abeyance so that Petitioner could file a subsequent state habeas corpus application in the appropriate state court. ECF No. 57. The Court instructed Petitioner's federal habeas counsel to file a subsequent state habeas application, and to file an advisory every 60 days thereafter, informing the Court of the status of Petitioner's application. *Id.*

Petitioner's subsequent state habeas corpus application was properly filed on March 13, 2020. It remains pending at this time, and there has been no judicial action taken. There is no other information about the proceeding available to counsel at this time.

DATED: November 6, 2020

Respectfully submitted,

/s/ Lee B. Kovarsky

LEE B. KOVARSKY

Phillips Black, Inc.

A Public Interest Law Practice

Texas Bar No. 24053310

500 West Baltimore, Room 436

Baltimore, Maryland 21201

434-466-8257

l.kovarsky@phillipsblack.org

MAUREEN FRANCO

FEDERAL PUBLIC DEFENDER

/s/ Tivon Schardl

TIVON SCHARDL

Capital Habeas Unit Chief

Florida Bar No. 73016

/s/ Timothy Gumkowski

TIMOTHY GUMKOWSKI

Assistant Federal Public Defender

Texas Bar No. 24104788

Federal Defender Office

919 Congress, Suite 950

Austin, Texas 78701

737-207-3007 (tel.)

512-499-1584 (fax)

Tivon_schardl@fd.org

Tim_gumkowski@fd.org

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of November, 2020, I electronically filed the foregoing Petitioner's Advisory Regarding State Court Proceedings with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Stephen M. Hoffman
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711
Stephen.Hoffman@oag.texas.gov

/s/ Timothy Gumkowski
Timothy Gumkowski